

CMS
A/R SERVICES MAIL SECTION
Solutions For Accounts Receivable Management

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MAY 26 1992

Federal Communications Commission
Office of the Secretary

May 21, 1992

Office of the Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

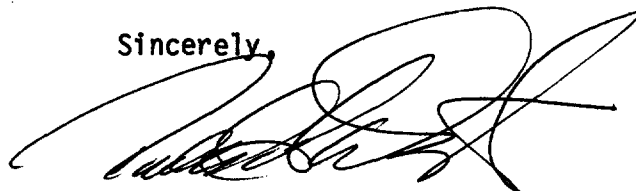
Re: Telephone Consumer Protection act of 1991.

CC Docket NO. 92-90.

Dear Sir/Madam:

Enclosed for filing please find one original and five copies of the comments of CMS A/R Services, Inc. on the notice of proposed rulemaking in the above-reference docket.

Sincerely,



Ronald G. Doster
Director of Client Services

BCC: Nancey McCann
Federal Legislative Manager
Associated Credit Bureaus
1090 Vermont Ave. N.W., Suite 200
Washington, DC zip code
(Phone: 202/371-0910)

FCC MAIL SECTION

CMS
A/R SERVICES

Solutions For Accounts Receivable Management

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Federal Communications Commission
Office of the Secretary

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC

In the Matter of
The Telephone Consumer Protection
Act of 1991

CC Docket No. 92-90

COMMENTS OF CMS A/R SERVICES, INC.
ON THE NOTICE OF PROPOSED RULEMAKING

Pursuant to section 1.415 and 1.419 of the Commission's rules, 47 C.F.R. 1.415 and 1.419, CMS A/R Services, Inc. ("CMS") hereby submits its comments on the Notice of Proposed Rulemaking ("NOPR") in the above-captioned matter.

CMS is a collection agency based in Jackson, Michigan serving the Utility industry by providing a variety of accounts receivable management services for more than twenty years. Some of these services include the use of predicative dialers to accelerate cash flow and to recover uncollectable debts. During 1991 we made slightly in excess of 1 million contacts impacting \$138 million in accounts.

Except as stated below, CMS wholeheartedly supports the Commission's analysis of the Telephone Consumer Protection Act of 1991, Public Law 102-243 ("TCPA") as stated in the NOPR. Specifically, CMS supports the Commission's recognition in Paragraph's 15 and 16 of the NOPR of (1) the important and valuable function served by the use of the predicative dial form of auto dialers to improve the efficiency of debt collection practices, and (2) the

pre-existing business relationship between the creditor (or the collection agency, as its agent) and the debtor, as distinguished from invasive "cold contact" telemarketing practices. Moreover, in addition to the above benefits, predicative dial form of auto dialers enable CMS to provide an early warning to customers to avoid the inconvenience and costs associated with the termination and reinstallation of utility services.

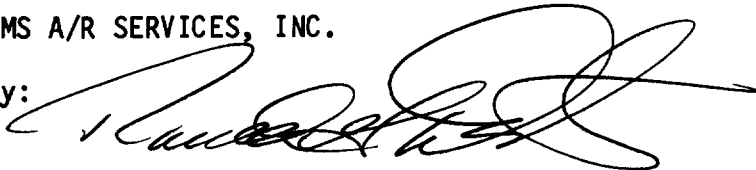
CMS supports the Commission's conclusion that a debt collection call is covered by the Commission's proposed (1) exemption for commercial calls that do not offer a product or service and do not adversely affect privacy concerns and (2) "business relationship" exemption. CMS does not offer any opinion at this time as to whether a separate exemption for debt collection calls is necessary. However, CMS maintains that clarification of the Commission's NOPR is required in one respect. CMS respectfully requests the Commission to clarify that debt collection calls should be exempted from the requirement that "all auto dialer systems must state clearly at the beginning of the message the identity of the caller including a telephone number or address" (NOPR at p.2, 5). CMS does not currently identify its company name when the auto dialer generates an initial "hold" message due to potential concerns with the Fair Debt Collection Practices Act ("FDCPA"). The mere identification of a collection agency by name could be prohibited by FDCPA 805 (6), which governs communications with third parties in connection with collection of a debt, where an initial "hold" message is received by a party other than for whom the call is intended. Therefore, CMS respectfully requests that a debt collector placing a call that is otherwise exempt from the application of the TCPA should not be required to identify the name, number or address of the caller to the extent such identification could violate the prohibitions of FDCPA 805 (6) with respect to communications with third parties.

Respectfully submitted,

CMS A/R SERVICES, INC.

May 21, 1992

By:

A handwritten signature in black ink, appearing to read 'Ronald G. Doster', written over a horizontal line.

Ronald G. Doster, Director of Client Services

cc: Judith Voisine
Tom Green
Jane Bergwin
Bernie Schroeder